

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

ANTHONY T. LEE, et al.,)	
Plaintiffs)	
)	
UNITED STATES OF AMERICA,)	
Plaintiff-Intervenor)	
and Amicus Curiae)	
)	
NATIONAL EDUCATION)	
ASSOCIATION, INC.,)	
Plaintiff-Intervenor)	
)	
v.)	CIVIL ACTION NO. 3:70cv846-T
)	
MACON COUNTY BOARD OF)	
EDUCATION, et al.,)	
Defendants.)	

PROGRESS REPORT TO THE COURT

At the conclusion of the December 19, 2005 fairness hearing, the court ordered that a status conference be set for February 23, 2006 to address the possible problem of interdistrict transfers. Because of a decline in student enrollment, allegations were raised that the drop in the number of students was attributable to improper student transfers.

The school district conducted an investigation of these allegations. The results of their inquiry were provided to counsel for the United States and private plaintiffs who requested further clarification and additional information. Counsel are satisfied with the district's report of its investigation.

The Macon County School District has experienced a decline in student enrollment over the past several years, particularly over this past school year. The investigation by the school district staff established that the decline in student enrollment is attributable to several factors. A large

number of Macon County students, almost all of whom are African American, attend private school, are home schooled or have dropped out. A number of students have moved out of the county. Of the 24 students who withdrew from the Macon County system and transferred to another public school system in Alabama this school year, four are white. Although the Board determined that these students are no longer residing in the county, even if these students were in fact Macon County residents, their transfer has no impact on desegregation in the Macon County school system. Based on the Board's investigation, the parties are satisfied that the decline in student enrollment is not attributable to improper student transfers.

Since the parties have resolved this issue, and believe that a status conference is not needed. Therefore, parties respectfully request that the court cancel the status conference set for February 23, 2006.

Respectfully submitted,

LEURA GARRET CANARY
United States Attorney

WAN J. KIM
Assistant Attorney General

/s/ Pauline A. Miller
JEREMIAH GLASSMAN, ESQ.
PAULINE A. MILLER, ESQ.
(Arizona Bar No. 5072)
U. S. Department of Justice
Civil Rights Division
Educational Opportunities Section
950 Pennsylvania Ave., N.W.
PHB, Suite 4300
Washington, DC 20530
(202) 514-2179
Fax: (202) 514-8337
Attorneys for United States

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2006, I electronically served the foregoing *Progress Report to the Court* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Deborah Hill Biggers, Esq. (Attorney for Macon County Board of Education), and Fred D. Gray, Jr., Esq. (attorney for Plaintiffs *Lee, et al.*).

/s/ Pauline A. Miller
Attorney for United States